

REMARKS

Applicant requests reconsideration of the application in view of the foregoing amendments and the discussion that follows. The status of the claims as of this response is as follows: Claims 1-29 are pending. Claims 1, 2, 7, 16 and 26 have been amended herein.

The Amendments

Claim 1 was amended to recite that the interior channel comprises a plurality of biopolymer features arranged in a predetermined manner on the interior surface thereof. Support therefor is in the specification, for example, page 20, line 28-30. Claim 1 was also amended to recite that the structural member comprises multiple elements separate from the interior channel. Support therefor is in the specification, for example, page 12, lines 7-10.

Claim 2 was amended to provide proper reference back to Claim 1.

Claim 7 was amended to recite that the structural member comprises multiple elements separate from the interior channel. Support therefor is in the specification, for example, page 12, lines 7-10.

Claim 16 was amended to recite that the structural member comprises multiple elements separate from the housing. Support therefor is in the specification, for example, page 12, lines 7-10. Claim 16 was also amended to refer to housing to provide proper reference back to the term "housing" in the claim.

Claim 26 was amended to recite more than one thousand features. Support therefor is in the specification, for example, page 14, line 10.

Formal Drawings

Replacement drawings in the form of formal drawings to substitute for the informal drawings filed with the original specification are included with this paper. No new matter has been added to the drawings.

Rejection under 35 U.S.C. §112

Claim 2 was rejected under the second paragraph of the above code section as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. Applicant submits that the amendment to Claim 2 above obviates this ground of rejection.

Rejection under 35 U.S.C. §102

Claims 1-25 were rejected under 35 U.S.C. 102(b) as being anticipated by Kellogg, *et al.* (US 2002/0097632) (Kellogg). The Office Action contends that Kellogg discloses an apparatus for mixing fluids, the apparatus comprising a housing (100) having an interior channel (201,202,203) with capillary dimensions; a structural member in the interior channel adjacent an end thereof, the dimensions of and placement of the structural member being sufficient such that intermittent application of centrifugal force to the interior causes movement of the fluid in the channel without exit thereof (referring to paragraphs [0039], [0046], [0047]); and a mechanism that intermittently generates centrifugal force on the interior of the housing to cause movement of the fluid in the channel without exit thereof (referring to paragraph [0054]).

Kellogg does not disclose or suggest an apparatus comprising a housing with an interior channel having a structural member that comprises multiple elements that are separate from the interior channel. Kellogg discloses only a capillary junction that is an enlargement or constriction in a fluid path, or a component having differential surface treatment of a capillary, e.g., hydrophilic to hydrophobic, or a combination of the above. Furthermore, Kellogg does not disclose or suggest an apparatus wherein an interior channel comprises a plurality of biopolymer features arranged in a predetermined manner on the interior surface thereof. Accordingly, Kellogg does not anticipate Claim 1 of the present application.

Claims 2-6 are patentable over Kellogg at least because of their respective dependency ultimately from Claim 1, which is patentable over the reference as indicated above.

Regarding claim 7, Kellogg does not disclose or suggest an apparatus comprising a housing with an interior channel having a structural member that comprises multiple elements that are separate from the interior channel for essentially the same reasons as set forth above with regard to Claim 1. Furthermore, Kellogg does not disclose or suggest an apparatus comprising a housing comprising an interior channel comprising a linear microarray of

biopolymer features on the interior surface thereof. As a matter of fact, Kellogg makes no disclosure or suggestion concerning a linear microarray. Accordingly, Kellogg does not anticipate Claim 7 of the present application.

Claims 8-15 are patentable over Kellogg at least because of their respective dependency ultimately from Claim 7, which is patentable over the reference as indicated above.

Kellogg does not disclose or suggest the method of Claim 16 because at the very least Kellogg does not disclose or suggest a structural member that comprises multiple elements separate from the housing. Furthermore, Kellogg does not disclose or suggest an apparatus wherein the housing has an internal surface comprising a linear microarray of features for essentially the same reasons as set forth above with regard to Claim 7. Accordingly, Kellogg does not anticipate Claim 16 of the present application.

Claims 17-25 are patentable over Kellogg at least because of their respective dependency ultimately from Claim 16, which is patentable over the reference as indicated above.

Rejection under 35 U.S.C. §103

Claims 26-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kellogg. The Office Action contends that, while it is clear from paragraph [0060] that plural "features" are presented, a specific number is not expressly stated. With "features" being open to individual molecules such as polypeptides, it would have been exceedingly obvious to one of ordinary skill in the art, asserts the Office Action, to have employed at least 10 "features" to have sufficient signal/material to detect a result.

Applicant submits that Kellogg does not suggest a linear microarray of features at all and certainly does not suggest a linear microarray comprising more than one thousand features. In any event, Claims 26-29 are patentable over Kellogg at least because of their respective dependency ultimately from Claim 16, which is patentable over the reference as indicated above.

Conclusion

Claims 1-29 satisfy the requirements of 35 U.S.C. §§112, 102 and 103.
Allowance of the above-identified patent application; it is submitted, is in order.

Respectfully submitted,

A handwritten signature in black ink, reading "Theodore J. Leitereg". The signature is written in a cursive, flowing style.

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